

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

IN THE MATTER OF:

Complainant,

and

Respondent.

Charge No.: 2008CF2634

EEOC No.: 21BA81521

ALS No.: 10-0138

Judge Lester G. Bovia, Jr.

This matter has come to be heard on Respondent's Motion to Dismiss for Want of Prosecution ("Motion"). Complainant was duly served with the Motion and given an opportunity to respond, but failed to do so.

The Illinois Department of Human Rights (“Department”) is an additional statutory agency that has issued state actions in this matter. Therefore, the Department is an additional party of record. Moreover, the Department was duly served with the Motion and given an opportunity to be heard. Accordingly, this matter is now ready for disposition.

The following facts were derived from the record file in this matter:

1. Complainant filed a charge with the Department on March 26, 2008, alleging that Respondent discriminated against him due to his ancestry. Respondent denies Complainant's allegation.
2. The Department filed a complaint with the Commission on Complainant's behalf on February 24, 2010. By notice dated February 25, 2010, which was duly served upon the parties, the Commission scheduled the initial status hearing for May 25, 2010.
3. Respondent appeared at the May 25 initial status hearing through counsel. Complainant did not appear, either personally or through counsel.

4. By order dated May 25, 2010, the next status hearing was scheduled for July 14, 2010. The May 25 order warned Complainant that he risked dismissal of his case if he did not appear at the July 14 status hearing. Respondent served a copy of the May 25 order upon Complainant at his last known address.

5. Neither Complainant nor an attorney on his behalf appeared at the July 14 status hearing. Accordingly, Respondent was granted leave to file this Motion.

6. Respondent served a copy of this Motion upon Complainant at his last known address. Although Complainant was duly served with the Motion, he never filed a response.

CONCLUSIONS OF LAW

1. Complainant has failed to prosecute his case, which has unreasonably delayed the proceedings in this matter.

2. As a result of Complainant's failure to prosecute his case, this case should be dismissed.

DISCUSSION

Complainant has failed to appear at two consecutive status hearings. Also, Complainant had been warned that his failure to appear could result in the dismissal of his case. Furthermore, Complainant has not responded to this Motion or provided any justification whatsoever regarding his failure to prosecute his case. It appears that Complainant simply has abandoned his claim.

The Commission routinely dismisses abandoned claims. See, e.g., Diaz and Sun Steel, IHRC, ALS No. 07-688, March 17, 2009 and Leonard and Solid Matter, Inc., IHRC, ALS No. 4942, August 25, 1992. The Commission also dismisses cases where complainants fail to appear at dates scheduled for hearing or status, as a complainant's failure to appear unreasonably delays proceedings before the Commission. See, e.g., Stewart and SBC Midwest, IHRC, ALS No. 04-227, March 22, 2006 and Jackson and Chicago Firefighters Union Local No. 2, IHRC, ALS No. 8193, September 29, 1997.

Complainant's failure to prosecute his case has unreasonably delayed the proceedings in this matter. Therefore, this case should be dismissed.

RECOMMENDATION

Based on the foregoing, it is recommended that Respondent's Motion be granted, and that the complaint and underlying charge against Respondent be dismissed in their entirety with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____

**LESTER G. BOVIA, JR.
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION**

ENTERED: August 24, 2010